## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DATA STORAGE DEVICE AND DATA STORING METHOD

Case No,	2909-5074	_, the specification of wh	nich	
(check one)	_ <u>X</u>	is attached hereto was filed on Application Serial No. and was amended on	(if applicable)	_, as

. I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Titel 37, Code of Federal Regulations.  $1.56^{\rm l}$ 

I do not know and do not believe this invention was ever known or used in the United States of America

before my or our invention thereof, or patented or described in any printed publication in any country before my
our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in
the United States of America more than one year prior to this application, and I believe that the invention has not
been patented or made the subject of an inventor's certificate issued before the date of this application in any country
foreign to the United States of America on an application filed by me or my legal representatives or assigns more
than twelve months prior to this application, and that no application for patent or inventor's certificate on this
invention has been filed in any country foreign to the United States of America prior to this application by me or my
legal representatives or assigns, except as identified below:

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below:

Prior Foreign Application(s)

Number Country Date
P2000-227349 Japan July 27, 2000

and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the above listed applicationon which priority is claims:

<sup>(</sup>b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

<sup>(1)</sup> It establishes, by itself or in combination with other information, a primafacie case of unpatentability of a claim; or

<sup>(2)</sup> It refutes, or is inconsistent with, a position the application takes in:

<sup>(</sup>i) opposing an argument of unpatentability relied on by the Office, or

<sup>(</sup>ii) asserting an argument of patentability.

A prima facte case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden of proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

Date

Number

Prior Foreign Application(s) Number	Country	Date
If no priority is claimed, I have identif Prior Foreign Application(s)	ied all foreign patent applicat	tions filed prior to this application:

Country

And I hereby appoint Joseph A. Mahoney (Reg. No. 38,956), Howard B. Rockman (Reg. No. 22,190), Jordan A. Sigale, (Reg. No. 39,028), Michael A. Molano (Reg. No. 39,777), Michael L. Kiklis (Reg. No. 38,939), Janelle D. Strode (Reg. No. 34,738), Kevin W. Guynn (Reg. No. 29,972), David R. Metzger (Reg. No. 32,919), Jennifer Hammond (Reg. No. 41,814), Lana Knedlik (Reg. No. 42,748), John F. Griffith (Reg. No. 44,137), Marina Saito (Reg. No. 42,121), Alison P. Schwartz (Reg. No. 43,863), Christopher P. Rauch (Reg. No. 45,034), Francisco Rubio-Campos (Reg. No. 45,538), Brian J. Gill (Reg. No. 46,727) and Shashank S. Upadbye, all members of the firm of Sonnenschein: Nath & Rosenthal

## Telephone 312/876-0200 Ext. 2578

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

## SONNENSCHEIN NATH & ROSENTHAL 80<sup>th</sup> Floor - Sears Tower 233 S. Wacker Drive, Chicago, IL 60606

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

VOCUTIVICE TOMETA

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